

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOSEPH PAPIN,

Plaintiff,

CASE NO: 3:17-CV-763 CWR-FKB

vs.

**UNIVERSITY OF MISSISSIPPI
MEDICAL CENTER, LOU-ANN
WOODWARD, T. MARK EARL, DR.
STEVEN A. BONDI, and JOHN
DOES**

Defendants.

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PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT¹

Plaintiff, JOSEPH PAPIN, by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 56, hereby moves for partial summary judgment on the following issues:

1. Violation of Mississippi Constitution and Statute, Procedural Due Process, by Defendant, University of Mississippi Medical Center (hereinafter "UMMC"); and
2. Defendants' Mississippi Tort Claims Act affirmative defense as it applies to Plaintiff's breach of contract claim.

In support of this Motion, Plaintiff submits the following:

- A. Exhibit A, Deposition of Plaintiff, Joseph Papin
- B. Exhibit B, House Officer Contract
- C. Exhibit C, Deposition of Molly Brasfield

¹ In light of the Court's March 1, 2021 Order, Plaintiff is re-filing this Motion for Partial Summary Judgment to conform to the requirements of L.U.Civ.R. 7(b)(2) requiring that motion and memorandum brief be filed as separate docket entries, and all supporting exhibits denominated by an exhibit letter or number and a meaningful description.

- D. Exhibit D, Deposition of Defendant, T. Mark Earl
- E. Exhibit E, Faculty and Staff Handbook
- F. Exhibit F, Deposition of Jimmy Stewart
- G. Exhibit G, House Staff Manual
- H. Exhibit H, Deposition of Joshua Sabins
- I. Exhibit I, Appeal Hearing Transcript
- J. Exhibit J, Resident Performance Profile
- K. Exhibit K, December 20 E-mail
- L. Exhibit L, Meghan Mahoney Text Messages
- M. Exhibit M, Deposition of Meghan Mahoney
- N. Exhibit N, Ulcer Patient Records
- O. Exhibit O, Deposition of Kisha Dyse
- P. Exhibit P, Remediation Agreement
- Q. Exhibit Q, Interview Transcript
- R. Exhibit R, January 25 E-mail
- S. Exhibit S, February 20 E-mail Thread
- T. Exhibit T, March 3 E-mail
- U. Exhibit U, July 5 Letter
- V. Exhibit V, Deposition of Defendant, Steven Bondi
- W. Exhibit W, Eklund Letter
- X. Exhibit X, IHL Opinion
- Y. Exhibit Y, July 24 Letter

The facts and law presented to this Court in the memorandum of law and statement of material facts, incorporated herein by reference, shows that no material fact disputes exist regarding these issues and that partial summary judgment is appropriate in Plaintiff's favor.

WHEREFORE, Plaintiff respectfully requests this Court grant this Partial Motion for Summary Judgment.

Dated: March 1, 2021

/s/ C. Ryan Morgan

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record.

/s/ C. Ryan Morgan
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(admitted pro hac vice)